

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
18676

In Re Application of: Christ Shrive, et al.

##

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/531,640	April 15, 2005	Unassigned	23389	Unassigned	Unassigned

Title: **CONTROLLER FOR A HYDROSTATIC TRAVERSING MECHANISM**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

CORRESPONDENCE ENCLOSING TRANSLATION OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **19-1013/SSMP** as described below.
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 - ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

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[Signature]
Signature

Dated:

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on	
July 7, 2005 (Date)	<i>[Signature]</i>
Signature of Person Mailing Correspondence	
Leopold Presser	
Typed or Printed Name of Person Mailing Correspondence	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Chris Shrive, et al.

Examiner: Unassigned

Serial No.: 10/531,640

Art Unit: Unassigned

Filed: April 15, 2005

Docket: 18676

For: CONTROLLER FOR A HYDROSTATIC
TRAVERSING MECHANISM

Dated: July 7, 2005

Confirmation No.: Unassigned

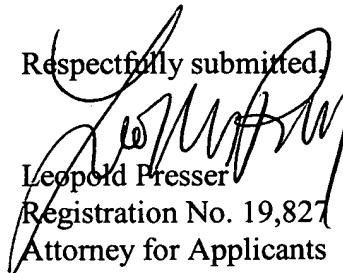
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

CORRESPONDENCE

Sir:

Submitted herewith is a translation of the International Preliminary Examination Report, which was submitted on April 15, 2005.

Respectfully submitted,

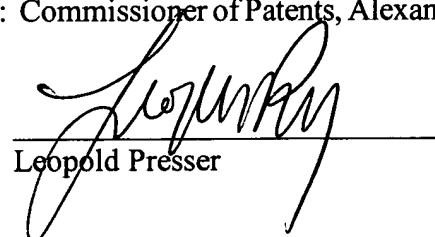

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Dated: July 7, 2005


Leopold Presser

Translation

PATENT COOPERATION TREATY



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P27215/WO Kf	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2003/010986	International filing date (day/month/year) 02 October 2003 (02.10.2003)	Priority date (day/month/year) 15 October 2002 (15.10.2002)
International Patent Classification (IPC) or national classification and IPC F16H 61/42		
Applicant BRUENINGHAUS HYDROMATIK GMBH et al.		

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 4 sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:
 - ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - ☐ (sent to the International Bureau only) a total of _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
- This report contains indications relating to the following items:

<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input type="checkbox"/> Box No. VII	Certain defects in the international application
<input type="checkbox"/> Box No. VIII	Certain observations on the international application

Date of submission of the demand 23 March 2004 (23.03.2004)	Date of completion of this report 21 June 2004 (21.06.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International Application No.

PCT/EP2003/010986

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:

- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ The international application as originally filed/furnished

☐ the description:

pages _____, as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ the claims:

pages _____, as originally filed/furnished

pages* _____, as amended (together with any statement) under Article 19

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ the drawings:

pages _____, as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1 - 24	YES
	Claims		NO
Inventive step (IS)	Claims	1 - 24	YES
	Claims		NO
Industrial applicability (IA)	Claims	1 - 24	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following documents:

D1: EP-A-1 223 069 (BRUENINGHAUS HYDROMATIK GMBH) 17 July 2002

D2: DE 196 38 421 A (SAUER INC) 27 March 1997 (1997-03-27)

The invention relates to a control unit for a hydrostatic drive unit with a hydraulic pump and a first and second hydraulic engine unit, which drive the front axle and rear axle, respectively.

In the prior art, slippage of an axle is generally prevented by detecting the difference in rotational speed and then adjusting the displacement of the axle that is spinning.

Document D1 is considered the prior art closest to the subject matter of claims 1 and 13. It discloses the preamble of claims 1 and 13.

Document D2 discloses the preamble of claim 2.

According to D1, an electronic unit detects the driving situation (uphill, downhill, flat surface) and makes a preventive correction to the pivoting angle.

The problem to be solved by the present invention can thus be seen as that of providing simpler means for the preventive detection of slippage.

A control valve according to the characterizing part of claim 1, 2 or 13 that switches according the position of the accelerator pedal F-R (claim 1) or according to the gradient detected (uphill, downhill) by a gradient sensor (claim 2) or according to the difference in pressure between the first and the second main lines (claim 13) is not known or suggested by any of the cited documents.

Claims 3-12 and 14-24 are dependent upon claim 1, 2 or 13 and thus likewise satisfy the PCT requirements with respect to novelty and inventive step.